

GP-302034

# REMARKS

Claims 18-21 were pending in the present Application. Claims 18-20 have been canceled, Claim 21 has been amended, and Claims 22-26 added, leaving Claims 21-26 for consideration upon entry of the present Amendment. No new matter has been introduced by these amendments. Support for amended Claim 21 can be found in paragraph [0020]. Support for newly added Claims 22-26 can be found in paragraphs [0019], [0023], [0024], [0029] as well as throughout the Figures.

Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

## Claim Rejections Under 35 U.S.C. § 103(a)

Claims 18-21 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent No. 6,546,602 to Eipper (hereinafter "Eipper") in view of U.S. Patent No. 6,257,133 to Anderson (hereinafter "Anderson"). Applicants respectfully traverse this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness, i.e., that all elements of the invention are disclosed in the prior art. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Eipper, in view of Anderson, fails to establish a *prima facie* case of obviousness because there is no teaching or suggestion of a vibration sensor in either of these references.

## Double Patenting Rejections

A. It is believed that the amendments to the claims overcomes the double patenting rejection over claim 7 of Application No. 10/305,376. A clear line of demarcations between the applications has been made. Accordingly, the Examiner is requested to withdraw the rejection.

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It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

B. It is also believed in light of the claims amendments, that the judicially created double patenting rejection over claims 1-20 of US Patent No. 6742227 has been rendered moot in view of the claim amendments.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Assignee.

Respectfully submitted,

CANTOR COLBURN LLP

By: 

Peter R. Hagerty  
Registration No. 42,618

Date: July 15, 2005  
Customer No.: 23413  
Telephone: (404) 607-9991